



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an early end to this tenancy and an order of possession pursuant to section 56;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package and the submitted documentary evidence by placing it in the tenant's mailbox on August 13, 2020 with a witness. The landlord called a witness, R.M. to confirm service. The witness, R.M. provided testimony that the tenant was hand-served with the package but was unable to provide a date. After some discussions, R.M. then stated that the package was served either by courier or was delivered to the tenant but could not provide the details.

During the hearing the landlord also stated that the tenant has since vacated the rental unit on August 31, 2020 and the landlord now has possession of the rental.

On the basis of this evidence, I am not satisfied that the tenant was served with the dispute resolution package and the submitted documentary evidence pursuant to sections 90 of the Act. The landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 08, 2020

Residential Tenancy Branch